

REMARKS/ARGUMENT

Reconsideration and further examination is respectfully requested. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lloyd (US Pat. No. 5,510,161). Lloyd discloses a diaper closure tape containing multiple layers of adhesives designed for attachment to the diaper and not the skin. As a result of this particular application of the adhesives, Lloyd discloses the use of conventional rubber-resin adhesives (column 5, lines 59-66). Such adhesives are not biocompatible and cannot be used for attachment of the article to the human or animal skin. There is no mentioning in Lloyd or any application of the tape of his invention directly to the skin. Applicant on the other hand discloses skin-compatible adhesives as specified in paragraphs 0028 through 0030 of the specification. To further distinguish the present invention from the disclosure by Lloyd, claims 8 and 9 are cancelled, and claims 1-5 are amended to include limitations of using "skin-compatible" adhesives to attach the article directly to the skin.

Another important distinction of the Applicants invention from Lloyd is in the fact that Lloyd does not have either the first or the second protective cover over the entire surface of the first or second adhesive layer. The tape of Lloyd is manufactured as a roll so that when a portion of the tape is peeled off the roll, it is severed and applied to the diaper. This application is shown on Figs. 3-5 of the US Pat. No. 4,801,480 by Panza and referred to by Lloyd. It is clear that the lower portion of the tape by Lloyd has two separate sections: section 16 and section 17. Each section has a different layer of adhesive at its lower surface: section 16 has adhesive 15, while section 17 has adhesive 22. Note that backing 18 does not cover the entire layer of adhesive 15, just a portion in the section 17. There is no way according to Lloyd for the backing 18 to cover the entire surface of the adhesive 15 as in that case there would be no adhesive surface available for attaching of the tape to the diaper. As opposed to Lloyd, the present invention discloses an article having both layers of adhesive separately protected by the respective first and second

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protective layers covering the entire surface of the adhesive, as now better reflected in the amended claim 1.

Finally, the tape of Lloyd is designed as a reusable means for closure of diapers, while the Applicants invention is a single-time use article. Claims 1-7 are amended to include the limitation of the article being disposable. Importantly, the first and the second adhesive layer of the article are medical grade single-use adhesives, which is the opposite of the Lloyd's tape. Appropriate language is included in claim 1 to reflect that.

Claims 1 and 8 are rejected under U.S.C. 102(b) as being anticipated by Bell (US Patent No. 4,516,976). Claim 8 is canceled. Regarding claim 1, there are several important differences between the tape of Bell and the article of the present invention. First, Bell does not disclose his tape being a disposable medical article and therefore does not disclose the use of single-use medical grade skin-compatible adhesives. The only disclosure found in Bell (column 3, lines 58-68) calls for the use of any suitable adhesive from industrial or medical applications, so that it is not toxic, as the diaper is used next to the skin. There is no mentioning of the use of adhesives designed for attachment to the skin itself.

Secondly, there is no single protective layer covering the entire surface of either layer of the adhesive in the disclosure by Bell. Instead, various sections of the Bell's tape are covered with dedicated protective layers. The tape of Bell is designed to be attached to both sides of a diaper and not to the skin so that only portions of the adhesive layers are exposed to the corresponding protective layers. Other portions overlap each other to allow for multiple use and closure of a diaper. The Applicant's invention, on the other hand, calls for the entire surface of both adhesive layers to be covered by a corresponding protective layer. There is no mentioning of that in Bell's disclosure.

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Claims 1 and 8 are also rejected under U.S.C. 102(b) as being anticipated by Tritsch (US Patent No. 4,034,752). Claim 8 is canceled. Regarding claim 1, Tritsch also discloses a diaper with multiple closure attachment tape and not the disposable medical article with single-use adhesive layers compatible with human skin. Tritsch describes the use of industrial adhesives (column 5, lines 10 – 20). There is no mention in Tritsch of the use of a single-use medical grade skin-compatible adhesive as suggested by the Applicant in the amended claims and supported by the specification description of the present invention.

Also of note that even when considering the element 132 of Tritsch as a backing, and element 136 as the first adhesive layer, the element 132a cannot be considered as a first protective layer as it is located totally separately on a different portion of the article (see Fig. 6 of Tritsch) and is not connected to the adhesive layer 136. Same is the case for the second adhesive layer and its protective cover. In a more general distinction, there is no mentioning or indication in Tritsch of having either of the first or second protective cover disposed over the entire surface of the corresponding first or second adhesive layers.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Boris Leschinsky, Applicants' Agent at 973-244-6190 so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully Submitted,

2/22/05  
Date

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